

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JULIE M. STAMPS,)	
)	
Plaintiff,)	Case No. 3:21-cv-00746
)	
v.)	District Judge Trauger
)	
THE LAMPO GROUP, LLC,)	Jury Demand
)	
Defendant.)	

MOTION TO SUBSTITUTE PARTY AS PLAINTIFF

Henry E. Hildebrand, III, Chapter 13 Trustee, by and through counsel, respectfully requests that the Court substitute him as the plaintiff in this action.

The original plaintiff, Julie M. Stamps, filed a bankruptcy petition under Chapter 13 on August 25, 2021, in the Middle District of Tennessee (Case No. 21-02597). The movant is the Trustee of the bankruptcy estate, appointed under 28 U.S.C. § 586(b).

The Chapter 13 plan confirmed by the Bankruptcy Court provides for Trustee to retain this lawsuit, as property of the estate, and authorizes him to pursue the action or settle it (see Part 9). A copy of the confirmation order is attached as an exhibit. (The Trustee and the Defendant have reached a settlement, and the Bankruptcy Court has announced approval of that settlement.)

Based on this order and the effect of 11 U.S.C. § 541 (defining the property of the bankruptcy estate) and 11 U.S.C. § 323 (providing that the trustee in a bankruptcy case has the capacity to sue and be sued), the Trustee submits that a substitution of parties is appropriate.

WHEREFORE, the premises considered, the Trustee requests that the Court substitute him as the plaintiff in this action.

Respectfully submitted,

/s/ James M. Davis

James M. Davis
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CERTIFICATE OF SERVICE

I certify that, on May 5, 2022, I filed the attached motion via the Court's electronic filing system, which will automatically notify and send a copy of the filing to:

Heather Moore Collins
Ashley Shoemaker Walter
Caroline Drinnon
HMC Civil Rights Law, PLLC

Anne Hunter
Hunter Law Firm

Attorneys for Julie M. Stamps

Leslie Sanders
Daniel Crowell
JACKSON LEWIS P.C.

Attorneys for Defendant

I further certify that, on May 5, 2022, I sent a copy of the foregoing motion by e-mail to:

Daniel Castagna
Flexer Law, PLLC

Attorney for Debtor-Plaintiff

Respectfully submitted,

/s/ James M. Davis

James M. Davis
Counsel to the Chapter 13 Trustee